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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,174	09/28/1999	ANDRES SANCHEZ	P18459	2402

7055 7590 12/14/2006

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EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/407,174	SANCHEZ, ANDRES	
	Examiner	Art Unit	
	William J. Deane	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 4-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

In view of the see Appeal Brief, filed 10/02/2006, PROSECUTION IS HEREBY REOPENED. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 5,483,586 (Sussman) and is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 2, 4, 11- 12, 16, 18 and 23 – 24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,483,586 (Sussman).

With respect to claims 1, 4, 11, 16, 18 and 23 – 24, Sussman teaches a method of managing telephone data storing telephone data related to at least one of incoming and outgoing telephone calls in at least one of public call and private call list, the public call list (memory 9) being accessible to any user during operation of a telephone and limiting a user's access to the public telephone data in the public call list, until such time as the user of the telephone inputs a personal secret access code, after which, the user has access to the public telephone data in the public call list and to private telephone data (memory 10 in the private call list of private telephone data that is associated with the inputted personal secret access code, wherein both the private call list and public call list are stored in the telephone. See Col. 7, lines 6 – 19 and Fig. 2. With respect to the limitation of "storing telephone data related to at least one of incoming and outgoing telephone calls", it is noted that the claim does not recite that the system somehow captures the data of an incoming or out going call; only that the data stored must be related to incoming or out going calls. Note that the data stored in Sussman is dated related to incoming or outgoing calls.

With respect to claims 2 and 12, note display interface 14 and display unit 16.

With respect to claims 4, note key interface 15 and key unit 17.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 – 10, 13 – 15, 17 and 19 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sussman in view of U.S. Patent No. 6,259,908 (Austin).

With respect to claim 5, combining data contained in separate memories into one memory would have been obvious to one of ordinary skill in the art.

With respect to claims 6, 8 – 10, 14 – 15, 17, 19 – 22, if not inherent in Sussman, note that Austin teaches two modes (see Col. 7, lines 20 – 64 of Austin). It would have been obvious to one of ordinary skill in the art to have incorporated such first and second modes as taught by Austin into the Sussman device and method, as such would only entail replacing one well-known security feature for another.

With respect to claims 7 and 13, note as claimed, the limitations of claim 7 and 13 are nothing more than the notoriously old call blocking or call screening. Such features have been in service for years. In addition, note Col. 1, lines 54 – 58 of Austin).

Response to Arguments

Applicant's arguments with respect to claims 1-2 and 4 - 24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

10Dec2006


AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER